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AMENDMENTS TO THE DRAWING

The attached "New Sheet" of drawings includes additional Figure 3. The attached "New Sheet" incorporates the Examiner's suggestion that "applicant provide a simple flowchart to illustrate the claimed subject matter."

Attachment: New Sheet

REMARKS

Claims 1-12 remain pending in this application. Claims 1, 2 and 7-12 have been rejected under 35 USC § 102(e); claims 4 and 9 have been rejected under 35 USC § 103(a); claims 3, 6 and 8 have been rejected under 35 USC § 112 second paragraph; claims 5 and 10 are withdrawn; and claim 11 has been objected to. By this paper, claims 2-6 and 8-12 have been amended, and claim 7 has been canceled. No new matter has been added by virtue of these amendments.

Turning now to the issues raised in the Office Action, the Examiner indicated, inter alia, that claims 6 and 8 would be allowable if rewritten to overcome the rejection under 35 USC § 112 second paragraph and to include all of the limitations of the base claim and any intervening claims. Applicants have amended claims 6 and 8 to clarify that the predetermined RPM is "determined by subtracting a typical idle speed from an increased idle speed." As such, it should be clear that the engine operates at two idle speeds, the predetermined RPM being defined as the difference between the two idle speeds. In addition, claims 6 and 8 have been further amended to include all the limitations of their base claims 1 and 7, respectively. Therefore, claims 6 and 8 are believed to be in condition for allowance.

With respect specifically to claim 8, Applicants note that claim 8 has been further amended to clarify that "said transmission segment changes said transmission gear from said neutral gear to said drive gear after said engine segment reduces said idle speed by a predetermined RPM." This amendment was made to clarify the Applicants' invention and is not believed to be of narrowing scope.

With respect to claim 3, the Examiner indicated that the phrase "said D/N signal" lacked proper antecedent basis. Applicants note that the above amendment to claim 3

is believed to obviate the Examiner's stated rejection by appropriately providing the proper antecedent basis.

With respect to claim 1, the Examiner indicated that claim 1 stands rejected under 35 USC § 102(e) as anticipated by Kresse et al. (U.S. Patent No. 6,726,596, hereinafter "Kresse"). Applicants respectfully traverse this rejection and request reconsideration in view of the following comments.

More specifically, as set forth in Applicants' independent claim 1, there is provided a step of "reducing an engine idle speed by a predetermined RPM." In contrast, the references relied on by the Examiner fail to disclose or suggest such a step. Specifically, Kresse discloses a step "wherein ES_LMT is quickly ramped down from a normal default value such as 5000 RPM to a range change limit of 1500 RPM. The TCU 66 delays engagement of the ... clutch C3 until time T1" (Kresse, col. 4, lines 23-27). Additionally, Kresse defines ES_LMT as a "speed limit command[]" (col. 3, lines 18-19). In other words, ES_LMT, according to Kresse, defines a maximum allowable engine speed prior to performing a shift from a neutral gear to a drive gear. This is consistent with the stated purpose of Kresse, which is to control engine speed during a rocking maneuver to free a vehicle that is stuck in snow or mud. (Col. 1, lines 13-44). Applicants aver that this reference falls short of the claimed invention. As such, Applicants contend that independent claim 1 is patentably distinguishable over the cited reference, whether considered alone or in combination.

With respect to dependent claims 2-5, without conceding the Examiner's position, Applicants contend these claims are allowable as a result of the dependency from claim 6. Accordingly, Applicants respectfully request reconsideration and withdrawal of the

rejection.

With respect to dependent claims 9-12, without conceding the Examiner's position, Applicants contend these claims are allowable as a result of the dependency from claim 8. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

With respect to the Examiner's objection to the drawings, a new Figure 3 has been submitted. As suggested by the Examiner, Figure 3 shows a flow chart demonstrating an exemplary embodiment of the claimed methods. In addition, amendments to the specification were made to address and describe the new Figure 3. Support for these amendments is found in the original specification, paragraphs 11-16, and in original claims 1-12. No new matter has been added by virtue of these amendments. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection.

Conclusion

Applicants note that the above amendments are not to be construed as a concession of the Examiner's position regarding the prior art. Applicants are merely trying to expedite allowance of the present application, and hereby preserve the right to pursue the rejected claims in a continuance application.

It is believed that all of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6525.

Respectfully submitted,

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